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May 2, 2019

BY ELECTRONIC CASE FILING SYSTEM

The Hon. Judith C. McCarthy
United States Magistrate Judge
United States District Court
for the Southern District of New York
300 Quarropas St.
White Plains, NY 10601-4150

Re: Berger v. Imagina Consulting (18 Civ. 8956 (CS)(JCM))

Dear Judge McCarthy:

I represent the defendant Imagina Consulting, Inc. in this action. I write to request that the Court set a new date for a settlement conference. The Court had adjourned the previously-scheduled date of March 20 *sine die* and directed the parties to notify the Court when they are ready to participate in a settlement conference.

The outstanding issues regarding plaintiff's document production appear to have been resolved. Judge Seibel entered an order this morning as follows:

ENDORSEMENT: At this point it seems that the absence of documents is going to hurt Plaintiff more than Defendant. Naturally Plaintiff will not be able to use anything he did not produce, and that may present insurmountable problems for him. In any event, what efforts were made to comply and when, and how it was that the first set of responses was so incorrect, can be explored via deposition. SO ORDERED.

With that paucity of production and set of insurmountable problems in mind, this case is ready for a conference. I have been called for SDNY jury duty for May 6 and therefore will be out of telephone and email contact while I am serving.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Craig J. Albert".

Craig J. Albert

Copy to Richard Liebowitz, Esq. (via ECF)